

Name of Person Filling: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS # (if applicable): _____
 State Bar Number (if applicable): _____
 Representing ☐ Self (Without a Lawyer) OR
 Attorney for ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

(Name of Petitioner)

Case Number: _____

RESPONSE TO PETITION FOR LEGAL SEPARATION WITH CHILDREN

(Name of Respondent)

STATEMENTS TO THE COURT, UNDER OATH

GENERAL INFORMATION:

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____
 Address: _____
 Date of Birth: _____
 Occupation: _____
 Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____
 Address: _____
 Date of Birth: _____
 Occupation: _____
 Starting with today, number of months/years in a row, I have lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____
 City and state or country where we were married: _____

4. ABOUT THE LEGAL SEPARATION (check one box)

- ☐ I want to be legally separated from my spouse, OR
☐ I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

Case No. _____

5.a. COMMUNITY PROPERTY: (check one box)

- ☐ My spouse and I did not acquire any community property during the marriage, OR
☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Household furniture and appliances: _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Household furnishings: _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Other items: _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K: _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Motor vehicles: Make: _____ Model: _____ VIN Number: _____ Lien Holder: _____ Make: _____ Model: _____ VIN Number: _____ Lien Holder: _____	<input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/>

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- ☐ I do not have any property that I brought into the marriage or separate property.
- ☐ My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.
- ☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.
- ☐ My spouse, the Petitioner, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.a. COMMUNITY DEBTS: (check one box)

- ☐ My spouse and I did not incur any community debts during the marriage, OR
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- ☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt, OR
- ☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below:
- ☐ My spouse has separate debt or debt that he or she or incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

7. TAX RETURNS: (Check this box if this is what you want).

☐ After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds.

For this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file ☐ Joint Tax Returns or ☐ Separate Tax Returns.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (check the box that applies to you):

☐ Neither party is entitled to Spousal Maintenance (alimony), OR
☐ Petitioner OR ☐ Respondent is entitled to Spousal Maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance.)

- ☐ Person lacks sufficient property to provide for his or her reasonable needs;
- ☐ Person is unable to support himself or herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself or herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself.

9. PREGNANCY

- ☐ Wife is not pregnant, OR
- ☐ Wife is pregnant
The baby is due on _____ (date), (and, check one box below):
 - ☐ The Petitioner and Respondent are the parents of the child, OR
 - ☐ Petitioner is not the parent of the child, OR
 - ☐ Respondent is not the parent of the child.

WARNING. If wife is not pregnant, **STOP**. You must file the papers for legal separation without children.

11. DOMESTIC VIOLENCE: (Check the box that is true. If you intend to ask for joint custody, there must have been no "significant" domestic violence. A.R.S. 25- 403.03):

- ☐ Domestic violence has not occurred, OR
- ☐ Domestic violence has occurred but it has not been significant.
- ☐ There has been significant domestic violence.

SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION: _____

12. CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD (check one box):

- ☐ There are no children under the age of 18 either born to or adopted by me and my spouse.
NOTE: If you checked this box, stop. You should be using the response packet to get a

- ☐ **legal separation without children. OR**
 The following child(ren) are under age 18 and were born to or adopted by me and my spouse:
 (Attach extra pages if necessary).

Child's Name _____
 Birth date _____
 Address _____

Child's Name _____
 Birth date _____
 Address _____

Child's Name _____
 Birth date _____
 Address _____

Child's Name _____
 Birth date _____
 Address _____

13. WRITTEN CUSTODY AGREEMENT. CHECK ONLY IF TRUE:

- ☐ My spouse and I have a written agreement signed by both of us about the custody, parenting time, and child support for our child(ren).
☐ I have attached a copy of the written agreement.

14. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between you want and what your spouse asked for.)

16. CONCILIATION. ☐ True or ☐ False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

16. CHILD CUSTODY JURISDICTION. (Check only one box).

- ☐ This court has jurisdiction to decide child custody matters under Arizona law because the children have lived in Arizona for at least 6 months before the Petition was filed. **OR**
☐ This court does not have jurisdiction to decide child custody matters under Arizona law because the children have not lived in Arizona for at least 6 months before this Petition was filed. Explain: (There are other reasons why the court may not have jurisdiction due to the residence of the children. See a lawyer for help.)

- 17. GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

- A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:** ☐ Legally separate the parties or ☐ Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days or ☐ Legally separate the parties, but refuse to decide child custody matters due to lack of jurisdiction as stated in number 15 above.
- B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee, beginning with the first day of the month after the Judge or Commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance is deceased, or for _____ months.
- C. COMMUNITY PROPERTY:** ☐ Make a fair division of all community property as requested in this Response.
- D. COMMUNITY DEBTS:** ☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date):
- E. SEPARATE PROPERTY AND DEBT:** ☐ Award each party his or her separate property and debt.
- F. CHILD CUSTODY AND PARENTING TIME:** Award custody and parenting time of the children common to the parties, and less than 18 years as follows: (Check either the sole custody box or the joint custody box. If you check the sole custody box, check only one box related to parenting time.)
- F.1.** ☐ **SOLE CUSTODY** of the minor child(ren) awarded to ☐ Petitioner OR ☐ Respondent, subject to parenting time as follows:
☐ Reasonable parenting time rights to the parent not having custody, as will be described in the Parenting Plan attached to the Legal Separation Decree.
☐ Supervised parenting time between the children and the ☐ Petitioner OR ☐ Respondent is in the best interest of the children because: (**Explain** the reasons for supervision or no parenting time. Use extra paper if necessary.)

Name of the person who will supervise: _____
Requested restrictions on parenting time: (explain here) _____

☐ The cost of supervised parenting time will be paid by ☐ the parent being supervised; ☐ the parent having custody; ☐ shared equally by the parties.
☐ No parenting time rights to the parent not having custody is in the best interests of the child(ren) because: (**Explain** the reasons for no parenting time. Use extra paper if necessary):

OR

F.2. ☐ **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the child(ren) as set forth in the Joint Custody Agreement signed by the parties, if the Court agrees with the Joint Custody Agreement. (Remember, there can be no significant domestic violence in your marriage.)

G. **CHILD SUPPORT:** Order that child support will be paid by ☐ Petitioner, OR ☐ Respondent in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines. (I will attach the Child Support Order to the Decree). Support payments will begin on the first day of the first month following the entry of the legal separation decree. These payments, and a fee for handling, will be paid through the Clerk of the Court and collected by automatic wage assignment.

H. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that ☐ Petitioner, OR ☐ Respondent will pay for the health, medical, and dental insurance coverage for the child(ren) common to the parties and under the age of 18 years. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes as described in the Parents' Worksheet, which I will submit with the Decree.

I. **TAX EXEMPTION:** The parties will claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of child	Current tax year	Later tax years
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____	_____	_____

J. **OTHER ORDERS I AM REQUESTING (Explain request here):**

Case No. _____

**OATH OR AFFIRMATION AND VERIFICATION OF RESPONDENT TO PETITION FOR
LEGAL SEPARATION**

The contents of this document are true and correct to the best of my knowledge and belief.

Signature

Date

Sworn to or affirmed before me this date:

My Commission expires/Seal

Deputy Clerk or Notary Public

**Copy of the foregoing mailed
to my spouse on** _____

Month/Day/Year

and at the following address:

